

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

A PUBLIC HEARING FOR FIRST READING AND APPROVAL OF APPLICATION 20-72 AND ORDINANCE NO. 1008, AN APPLICATION BY NELSON POSADA, REGARDING A ZONING TEXT AMENDMENT TO CHAPTER 26 OF THE VILLAGE’S ZONING CODE TO ADD A DEFINITION FOR THE TERM BIRTHING CENTER AND ALLOW BIRTHING CENTERS AS SPECIAL EXCEPTION USES IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, BY NELSON POSADA.

Issue:

The applicant is proposing an amendment to the Village’s Zoning Code at Chapter 26 to allow birthing centers as special exception uses in the General Commercial (CG) Zoning District within the Village. Specifically, the text amendment:

- Adds a definition for the term “birthing center” to Sec. 26-22; and
- Add birthing centers to the list of special exceptions uses in Sec. 26-89 within the General Commercial (CG) Zoning District.

The Local Planning Agency considered the application on September 22, 2020 and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application 20-72 (Zoning Text) and Ordinance 1008 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	10-15-2020	Action

ORDINANCE NO. 1008

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS., SECTION 26-22. DEFINITIONS. TO ADD A DEFINITION FOR THE TERM BIRTHING CENTER AND AT ARTICLE V. ZONING DISTRICTS., SECTION 26-89. CG GENERAL COMMERCIAL DISTRICT. TO ADD BIRTHING CENTER TO THE LIST OF SPECIAL EXCEPTION USES IN THE CG GENERAL COMMERCIAL ZONING DISTRICT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Royal Palm Beach, Florida, has received privately initiated application #20-72 (Text Amendment) requesting certain text amendments to the Village’s Zoning Code in order to allow birthing centers as special exception uses in the CG – General Commercial Zoning District; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to update its Zoning Code as more specifically detailed in privately initiated application #20-72 (Text Amendment); and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 26. are in the best interests of the health, safety and welfare of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Construction of Language and Definitions. at Sec. 26-22. Definitions. in order to add a definition for birthing center; providing that Sec. 26-22 shall hereafter read as follows:

Sec. 26-22. - Definitions.

Birthing center. A publicly or privately owned facility, place or institution constructed, renovated, leased or otherwise established where non-emergency births are planned to occur away from the mother's usual residence following a documented period of prenatal care for a normal uncomplicated pregnancy which has been determined to be low risk through a formal risk scoring examination. Care provided in a birthing center shall be provided by a licensed physician or certified nurse midwife, or a licensed midwife. Services provided in a birthing center shall be limited in the following manner:

- (a) Surgical services shall be limited to those normally performed during uncomplicated childbirth, such as episiotomy and repair, and shall not include operative obstetrics or caesarean sections;
- (b) Labor shall not be inhibited, stimulated or augmented with chemical agents during the first or second stage of labor;
- (c) Systemic analgesia may be administered and local anesthesia for pudendal block and episiotomy repair may be performed. General and conducted anesthesia shall not be administered at birthing centers;
- (d) Patients shall not remain in the facility in excess of twenty-four (24) hours; and
- (e) Hospitals are excluded from the definition of a birthing center.

[All other definitions shall remain the same as previously adopted.]

Section 2: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. at Sec. 26-89. CG General Commercial District. in order to add birthing center as a special exception use within the CG – General Commercial Zoning District; providing that Sec. 26-89 shall hereafter read as follows:

Sec. 26-89. - CG General Commercial District.

- (1)—(2) [Shall remain the same as previously adopted.]
- (3) Special exception uses.

Amusement arcade (see additional regulations under definition at section 26-22).

Automobile and/or water craft repair and/or service.

Automobile and/or water craft brokerage.

Automobile rental agencies.

Automobile window tinting sales and/or installation.

Automotive service stations.

Bar, lounge or restaurant, with live entertainment.

Birthing center.

Bowling alley.

Brewpub not to exceed five thousand (5,000) square feet of gross floor area, subject to section 26-75.2.

Business, trade or vocational school.

Car wash, self-service or other.

Church or place of worship.

Drugstore or pharmacy, with drive-through

Dry cleaning facility, with drive-through.

Financial institution with drive-through.

Green market (see additional requirements at section 26-70).

Hotel and/or motel.

Kennels with or without runs.

Living quarters for a residential employee or caretaker in conjunction with permitted principal use.

Microbrewery not to exceed five thousand (5,000) square feet of gross floor area, subject to section 26-75.2.

New and used vehicle sales (outdoor).

Parking garage.

Public and private academic institution.

Planned commercial development (see additional requirements, section 26-61).

Recreational facilities, commercial (outdoor or indoor).

Resort and convention center.

Restaurant with drive-through.

State licensed massage therapist establishment.

Tire sales and installation.

Vehicle auction sales (see additional requirements at section 26-57).

Veterinarian's clinic with outside run.

(4)—(5) [Shall remain the same as previously adopted.]

Section 3: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon passage.

FIRST READING this 15th day of October, 2020.

SECOND AND FINAL READING this 19th day of November, 2020.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK